

REMARKS

In response to the above identified Final Office Action, Applicants respectfully request reconsideration thereof.

Response to Claim Rejections – 35 USC § 103

Claims 1, 2, 9-11 and 14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,167,423 (hereinafter Chopra) in view of U.S. Patent No. 6,269,390 (hereinafter Boland).

Claims 3 and 16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Chopra in view of Boland in further view U.S. Patent No. 6,314,089 (hereinafter Szlam).

Claims 4, 12, 13, 15 and 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Chopra in view of Boland in further view of U.S. Patent No. 5,327,557 (hereinafter Emmond).

Claim 5 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Chopra in view of Boland in further view of U.S. Patent No. 6,222,530 (hereinafter Sequeira).

Claims 7, 8, 19, and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Chopra in view of Boland in further view of U.S. Patent No. 6,223,207 (hereinafter Lucovsky).

Applicants submit that the rejections of claims 1-5, 7-17, and 19-20 under 35 U.S.C. § 103(a) are groundless for the reason that the prior art references when combined do not teach or suggest all of the claim limitations of the independent claims of the present application.

To establish a **prima facie** case of **obviousness**, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

Claim 1 includes the following limitation:

wherein the scheduler issues the task from the task queue according to a priority dynamically assigned to the task.

The Office Action, in rejecting claim 1, contends that the above limitation is anticipated by the following disclosures in Sequeira:

FIG. 20 depicts an editing/display screen for the GDC database. In particular,... for the generic data carousel.....The data in QueueSlot Field 2013 allows the data carousel to assign different priority levels to different assets, thereby affecting the level of responsiveness--which in turn affects the delta variance.

Sequeira, col. 16, lines 16-26.

Task Distribute 410 creates a number of tasks. In the preferred embodiment these tasks are four-tuples with the form [taskId, assestList, operator, time, data]. With respect to Records 2510b and 2510c, Task

Distributor 410 creates the following two tasks:

[TaskID 1, "Text_Captions", "Play", [9:00 pm, 9:30 pm], [90037, 3]]

[TaskID 2, "Friends_Facts", "Play", [9:00 pm, 9:30 pm], [80716]] In this example, the "Play" operator indicates to the media server that it should begin playing/transmitting the requested data at the specified time.

Sequeira, col. 20, line 53-64.

The tasks are then placed in Thread Pool and Queue 430 which tracks and controls the distribution of the tasks and receipt of status messages. At the appropriate time or command, Thread and Pool Queue 430 distributes the task to the appropriate media server through Master/Slave Scheduler API 180a. In this example, TaskID 1 is distributed to the data carousel and TaskID 2 is distributed to the IPPA. ...

Sequeira, col. 21, line 1-14.

The first quote from Sequeira describes an editing/display screen that may be utilized to update a generic data carousel (GDC) database. The GDC database includes a QueueSlot Field 2013 that may be utilized by the data carousel to assign a priority level to an asset (e.g., graphics, animation, audio, text, video, or any other such digital media).

The second quote from Sequeira describes a Task Distributor 410 that creates tasks. Each task is described as including four fields (e.g., a taskId, assetList, operator, time and data).

The third quote from Sequeira describes distributing tasks to the appropriate media server responsive to an appropriate time or command.

Claim 1 requires a priority that is dynamically assigned to a task. For example, in one exemplary embodiment of the present invention, an algorithm within a scheduler may identify that a task is a “BestMatch” with a thread that becomes available. The scheduler in the exemplary embodiment may then ensure that the identified task is assigned to the available thread by dynamically assigning a “real time” priority to the task (Application, page 20, lines 9-12).

In contrast, the above quote from Sequeira does not describe a priority that is dynamically assigned to a task; but rather, a priority that is assigned to an asset (e.g., graphics, animation, audio, text, video, or any other such digital media).

Clearly an asset is not a task. To be sure, the second quote from Sequeira describes a task that includes four fields none of which provides storage for a priority. Consistent with the first and second quotes, the third quote from Sequeira does not describe issuing a task from a task queue according to a priority dynamically assigned to the task; but rather, distributing a task from a Thread and Pool Queue 430 at a time or command. Clearly a time or command is not a priority, much less a priority that is dynamically assigned to a task. Sequeira therefore cannot be said to anticipate the above quoted limitation because Sequeira describes a priority that is assigned to an asset and claim 1 requires a priority that is dynamically assigned to a task.

Independent claim 9 includes a limitation corresponding substantially to the above-discussed limitation of claim 1. The above remarks are accordingly also applicable to a consideration of independent claim 1.

In summary, Chopra in combination with Boland, Emmond and Sequeira do not teach or suggest each and every limitation of claims 1 and 9 as required to support rejection of these independent claims of the present application under 35 U.S.C. § 103.

In addition, if an independent claim is nonobvious under 35 U.S.C. § 103(a) then, any claim depending therefrom is nonobvious and the rejections of claims 2-5, 7-8, 10-13, 15-17 and 19-20 under 35 U.S.C. § 103(a) are also addressed by the above remarks.

In summary, Applicants believe that all rejections presented in the Office Action have been fully addressed and withdrawal of these rejections is respectfully requested. Applicants furthermore believe that all claims are now in a condition for allowance, which is earnestly solicited.

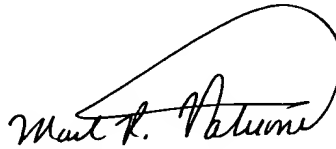
If the Examiner believes a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Mark R. Vatuone at (408) 947-8200 x237.

If there are any additional charges, please charge them to Deposit Account No. 02-2666.

Respectfully submitted,

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A handwritten signature in cursive script, reading "Mark R. Vatuone", written over a horizontal line.

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